

Numerous medical records have been placed into evidence including those of Dr. Frye, Dr. Waller, Dr. Hill and Dr. McGee. The medical records all agree that, while

claimant has a long history of pulmonary problems going back to the 1970s and has been a smoker for 35 years, nevertheless, the exposure to the welding fumes did aggravate his ongoing pulmonary condition.

It is the claimant's burden to prove by a preponderance of the credible evidence his entitlement to benefits. See K.S.A. 44-501 and K.S.A. 44-508(g).

The Appeals Board finds that claimant has carried his burden of showing his exposure to the welding fumes while employed with respondent aggravated his preexisting pulmonary condition. Claimant has established by a preponderance of the credible evidence that his ongoing symptomatology results from an accidental injury arising out of and in the course of his employment with respondent and the Award of Administrative Law Judge Floyd V. Palmer entered on July 27, 1995, appropriately grants claimant benefits for his ongoing symptomatology.

**WHEREFORE**, it is the finding, decision, and order of the Appeals Board that the Order of Administrative Law Judge Floyd V. Palmer dated July 24, 1995, should be and is hereby affirmed.

**IT IS SO ORDERED.**

Dated this \_\_\_\_ day of October, 1995.

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BOARD MEMBER

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BOARD MEMBER

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BOARD MEMBER

c: Paul D. Post, Topeka, Kansas  
Wade A. Dorothy, Lenexa, Kansas  
Floyd V. Palmer, Administrative Law Judge  
Philip S. Harness, Director